

OVERVIEW of the Daf

1) Bas Yisroel eating maaser rishon (cont.)

The source for R' Meir's opinion that non-Leviim are prohibited from maaser rishon is identified.

The source is unsuccessfully challenged.

The Gemara explains how Rabanan apply R' Meir's analogy.

A Baraisa is cited that supports the position that the status of tevel applies to maaser rishon.

The necessity for two sources that tevel applies to maaser rishon is explained.

The previous assertion that the Mishnah follows R' Meir is successfully challenged.

R' Sheishes offers an alternative explanation for the Mishnah.

The implication of R' Shishes' explanation is that married women may authorize agents to separate teruma from their husband's produce. A Baraisa is cited that supports this assertion.

2) Clarifying the Mishnah

Mar the son of Ravna infers from the Mishnah that maaser is not distributed to women at the granary. This halacha is clarified.

3) Distributing maaser

A Baraisa presents a dispute whether maaser is also distributed to kohanim.

R' Akiva's position that maaser is not distributed to kohanim is explained.

The exchange between R' Akiva and R' Elazar ben Azaryah about this matter is recorded.

An incident related to their dispute is presented.

4) Depriving Leviim of maaser

R' Yonasan and the elders disagree about the reason Ezra deprived maaser from the Leviim.

After successfully challenging one of the explanations the Gemara refines the point of dispute.

The source that the Leviim did not ascend to Eretz Yisroel at the time of Ezra is presented.

R' Chisda cites another example when the Leviim were denied a privilege.

5) **MISHNAH:** The Mishnah describes the right of a woman to eat teruma and maaser following her marriage to a kohen, a Levi and a Yisroel. ■

Distinctive INSIGHT

Citing a non-existent verse

עכשיו אין מעמידין שוטרים אלא מישראל שנאמר "ושוטרים הרבים בראשיכם"

Based upon a verse from Divrei Hayamim, Rav Chisda taught that at one time the officers for the nation were chosen only from the tribe of Levi. Now, however, officers are chosen from the multitudes, referring to the nation at large, who are from Yisrael. To underscore this change, Rav Chisda again cites a verse.

The problem is, however, that the verse which he cites does not exist. As the comment on the margin of the Gemara notes, as it is quoted, there is no such verse in Tanach. This phenomenon occurs several times in Shas, and each time is a matter of curiosity. Rashash here simply states, "I searched throughout Tanach, and I did not find this verse." Tosafos Yeshanim on our daf also notes that there is no such phrase in Tanach, but he adds, "Perhaps the reference is to the verse in Devarim 1:13: "[Provide yourselves men who are wise and understanding and well-known] to your tribes, and I shall appoint them as your heads." It is unclear whether Tosafos Yeshanim is suggesting that our text should be amended, or whether the quote as it appears in the Gemara should be understood as an indirect citation.

In his Chiddushim, R' Yaakov Emden amends the text (נראה דצריך לומר) and suggests that the citation should read **בראשיכם** rather than **לשבטיכם**. This is a direct quote from the verse (Devarim 1:15), which reads, "[I took the heads of your tribes...] and officers of your tribes—**ושוטרים לשבטיכם**." The word **הרבים** is apparently just explanatory, indicating that Moshe chose the many officers from the nation at large and not just from the tribe of Levi. ■

REVIEW and Remember

1. What is R' Meir's source that a non-Levi is not permitted to eat maaser rishon?

2. Explain: אין חולקין לה מעשר בבית הגרנות.

3. How did R' Akiva prevent R' Elazar ben Azaryah from collecting maaser rishon?

4. What two privileges were withheld from the Leviim and why?

HALACHAH Highlight

The prohibition of tevel

מה תרומה טובלת אף מעשר ראשון נמי טובל

Just like terumah creates tevel so too maaser rishon causes tevel

Rashi¹ explains that the reason one is liable to death (from Heaven) for eating tevel is that the Torah punishes a non-kohen who eats teruma with death and any tevel has teruma mixed in. Tosafos² challenges this explanation on two points. The Gemara suggests that the rationale behind R' Meir's position, prohibiting a non-Levi from maaser is based on a juxtaposition. According to Rashi, however, this exposition is unnecessary because a non-Levi should be prohibited to eat maaser rishon since it has terumas maaser mixed in that has yet to be separated. Furthermore, according to Rashi's explanation there is no reason that a kohen should not be permitted to eat tevel since a kohen is permitted to eat teruma and chullin. Accordingly, Tosafos explains that tevel is an independent prohibition unrelated to teruma.

Rav Yosef Engel³ suggests an explanation for Rashi. We find concerning korbonos that before the blood of the Korban is applied to the altar and the limbs are burned the entire animal is considered the property of Hashem. After

the service is performed the kohanim are given their portion as a gift from Hashem's table. Similarly, one could assert that although tevel contains in it teruma, that teruma is considered Hashem's property until it is separated from the rest of the grain and until that time it is prohibited even to kohanim. Support for this assertion can be found in Rambam⁴ where he explains that kohanim should not grab or even ask for teruma since, "They are eating from Hashem's table." Others⁵ challenge this approach from the fact that the Mishnah⁶ states that a kohen who gives teruma to a woman for kiddushin has performed a valid kiddushin whereas a kohen who gives a woman part of a korban for kiddushin has not performed a valid kiddushin⁷. The reason, the Gemara explains, is that the Korban does not belong to the kohen since he merits the food from Hashem's table thus implying that concerning terumah the kohen's portion is not from Hashem's table. ■

1. רש"י ד"ה מה

2. תוס' ד"ה מה

3. אתון דאורייתא כלל ב'

4. רמב"ם פי"ב מהל' תרומה הי"ט

5. אתון דאורייתא שם וע"ע שו"ת בן פורת ח"א סי' י'

6. קידושין נח

7. שם נב ■

STORIES Off the Daf

The twice-widowed woman

בת ישראל שניסת לכהן...מת ולה הימנו
בן...ניסת ללוי...מת ולה הימנו בן...ניסת
לישראל...

On Rosh Chodesh Kislev 4606 (1846), Rav Tzvi Hirsch of Riminov, ז"ל, passed away at the age of sixty-eight, leaving his young wife widowed for the second time. During that same year, Rav Yisroel of Ruzhin, ז"ל, lost his wife. A year later, the Rebbe of Ruzhin agreed to raise the widow's three-year-old orphan son, and they married. Eventually, the boy followed in his late father's footsteps and became the Rebbe of Riminov.

The Ruzhiner Rebbe was the accepted leader of thousands of Chassi-

dim and was admired by almost all of the chassidic leaders of his generation. Devotees from distant Poland, even from as self-contained an enclave as Kotzk, would travel all the way to Russia by coach to meet with the Rebbe of Ruzhin. His exceptionally sharp mind and refined character made a deep impression on all who came to him. His great success was a thorn in the side of certain misnagdim, who made a number of attempts to discredit the Rebbe and disillusion his many followers.

After the Rebbe's re-marriage in 1847, these opponents claimed that he had publicly made light of the halachah by marrying a woman who was already twice-widowed. (In accordance with Rebbi's opinion in Yevamos 64b and in Shulchan Aruch, Even HaEzer 9:1) Rav Yitzchak Isaac of Kamarna, ז"ל, defended the Ruzhiner Rebbe by

stating that the prohibition only applies to a woman who didn't have children with a prior husband. This is consistent with the Terumas Hadeshen (#211), who writes, "Many gedolim and אנשי מעשה were not careful about this prohibition."

The Rebbe of Kamarna concludes that the **סתם משנה** in Yevamos 86b speaks of a woman who first married a kohein who died, then a Levi who died, and finally a Yisroel who died. How can this be if it is forbidden? It must be that since she had children with her earlier husband or husbands, the prohibition doesn't apply! ■

